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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,025	03/15/2001	Cedric Lapaille	Q63534	4899
23373	7590	04/19/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			ELAHEE, MD S	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/808,025

Applicant(s)

LAPAILLE ET AL.

Examiner

Md S. Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed 01/31/2006. Claims 1-15 are pending.

Response to Arguments

2. Applicant's arguments mailed on 01/31/2006 have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 recites the citation "said terminal" in lines 5, 6 of the claim is indefinite. There are two different terminals are used and it is unclear what terminal the citation is referring to.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Rimhagen et al. (U.S. 6,594,245).

Regarding claim 1, Rimhagen teaches that a telecommunication system comprising:

a plurality of mobile stations [i.e., terminals] communicate with a WNC or HUB [i.e., connection station] (fig.3A,4; col.5, lines 41-57).

a management unit determines the allocation of resources for calls from each terminal to the connection station, wherein at least some of the terminal equipment units include a plurality of incoming connections, providing cells or packets used to effect the calls to the connection station, the allocation of resources is determined cell by cell or packet by packet in each connection, the management unit includes means for allocating communication resources to each terminal according to the total number of cells or packets waiting in each terminal and a weighting coefficient allocated to each terminal, the allocation of resources by the management unit is independent of the number of connections of each terminal (fig.3A,4; col.5, lines 41-57, col.6, lines 27-44, col.7, lines 41-48).

each terminal includes means for allocating resources to each connection according to the overall resources allocated to the terminal by the management unit and a weighting coefficient allocated to each connection of the terminal (fig.3A,4; col.5, lines 41-57, col.6, lines 27-61, col.7, lines 41-48).

Regarding claims 2 and 10, Rimhagen teaches that the weighting coefficient allocated to each connection in a terminal depends on the quality of service of the connection (col.5, lines 20-28, 41-57, col.6, lines 27-61, col.7, lines 41-48).

Regarding claim 3, Rimhagen teaches that the weighting coefficient allocated to each terminal is inherently the sum of weighting coefficients allocated to each connection of the terminal (col.5, lines 41-57, col.6, lines 27-61, col.7, lines 41-48).

Regarding claim 4, Rimhagen teaches that the management unit includes means for allocating to each terminal a number of cells to be transmitted and the start and end of transmission times for the terminal (fig.3A; col.5, lines 41-57, col.6, lines 27-61, col.8, lines 5-10).

Regarding claim 5, Rimhagen teaches that the weighting coefficient allocated to each terminal determines the required time period between successive transmission times for the terminal (col.5, lines 41-57, col.6, lines 27-61, col.7, lines 41-48, col.8, lines 5-10).

Regarding claim 6, Rimhagen teaches that the weighting coefficient allocated to each connection of a terminal determines the time period between the transmission times of two successive cells of the connection (fig.3A; col.5, lines 41-57, col.6, lines 27-61, col.7, lines 41-48, col.8, lines 5-10).

Claim 7 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Rimhagen teaches means for periodically receiving from the management unit a signal representing the communication resources allocated to the terminal (fig.3A; col.5, lines 41-57).

Claims 8 and 14 are rejected for the same reasons as discussed above with respect to claim 4. Furthermore, Rimhagen teaches the resource allocation signal that is received from the management unit represents a number of cells to be transmitted and the means for allocating

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resources to each connection select the channels that will be able to transmit a cell (fig.3A; col.5, lines 41-57).

Claim 9 is rejected for the same reasons as discussed above with respect to claim 8. Furthermore, Rimhagen teach determining the transmission time of each cell (fig.3A; col.5, lines 41-57).

Regarding claim 11, Rimhagen teaches transmitting two successive cells of the same connection at times separated by a time period that depends on the weighting coefficient allocated to the connection (fig.3A; col.5, lines 20-28, 41-57).

Regarding claim 12, Rimhagen teaches that the time period between the transmission of two successive cells of the same connection depends on the reciprocal of the weighting coefficient allocated to the corresponding connection (fig.3A; col.5, lines 20-28, 41-57)

Claim 13 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Rimhagen teaches that the unit includes means for receiving from each terminal a symbol representing the total number of packets awaiting transmission (fig.3A; col.5, lines 41-57).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Uddenfeldt et al. (U.S. 5,327,576) teach Handoff of a mobile station between half rate and full rate channels, Alperovich et al. (U.S. 5,940,763) teach Enhanced preemption within a mobile telecommunications network, Saintot (U.S. 6,160,823) teach Transmission system formed by at least a base station, a mobile station and a nodal station and base station and mobile

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station suitable for use in such a system, Bolgiano et al. (U.S. 4,785,450) teach Apparatus and method for obtaining frequency agility in digital communication systems Andrews et al. (U.S. 6,496,490) teach Method for dynamically allocating carriers in a wireless packet network, with reuse of carriers and Mochizuki (U.S. 6,628,633) teach CDMA communication method adapted to forward packet transmission.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.E.

MD SHAFIUL ALAM ELAHEE
April 11, 2006


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SUPERVISORY PATENT EXAMINER
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